

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 18, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux and D. Nolan, Deputy Clerks.

Each of the following:

B138851 People v. Arellano et al.
B144970 People v. Gholar
B145451 People v. Nieuwdorp
B146795 People v. Rigoberto V.
B147564 People v. Cole
B147880 People v. Weksler
B148315 People v. Eggleston
B148674 D.C.F.S. v. Tracy A.
B149761 D.C.F.S. v. Willie H.
B149940 People v. Yanez
B150136 In re Sabrina M.
B150241 D.C.F.S. v. Athena G.
B151151 People v. Derrick D.

Argument waived, cause submitted.

B146795 People
 v.
 Rigoberto V.

Merits:

Argued by Katharine E. Greenebaum for appellant and by Daniel Rogers, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B147006 Joan Leopold
 v.
 20th Century Insurance Co., et al.

Merits:
Argued by Joan Leopold appellant in propria persona and by James P.
Lemieux for respondent. Cause submitted.

Mallano, J leaves the bench.

B153591 Deborah G.
 v.
 Superior Court, Los Angeles County
 (Dept of Children & Family Services, r.p.i.)

Merits:
Argued by Deborah G. petitioner in propria persona and by Kenneth E.
Reynolds for real party in interest. Cause submitted.

B146541 People
 v.
 Daniels

Merits:
Argued by Rebecca P. Jones for appellant and by Marc A. Kohm, deputy
attorney general, for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B152460 Genovena Anaya et al.
v.
Superior Court, Los Angeles County
(City of Los Angeles et al., r.p.i.)

Merits:

Argued by Arnoldo Casillas for petitioners and by E. Lee Horton for real parties in interest. Cause submitted.

B152121 Kirkland et al.
v.
Superior Court, Los Angeles County
(Guess? Inc., r.p.i.)

Merits:

Argued by Jeffrey J. Christovich for petitioners and by Daniel M. Petrocelli for real party in interest. Cause submitted.

Court adjourned.

B144239 New Wilshire Equities Services, Inc. (Not for Publication)
v.
Playa Holdings et al.

This matter was fully briefed and was argued and submitted on November 20, 2001. On December 4, 2001, the parties filed a stipulation and request for dismissal of the appeal with prejudice. The appeal is dismissed. The parties shall bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION ONE (Continued)

B149761 Los Angeles County Department of (Not for Publication)
Children and Family Services
v.
Willie H.

The order terminating Willie's rights is reversed, and the cause is remanded to the dependency court with directions to schedule and hold a contested hearing.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B148674 Los Angeles County D.C.F.S. (Not for Publication)
v.
Tracy A.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B143037 People (Not for Publication)
v.
Carroll

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

December 18, 2001-Continued

DIVISION ONE (Continued)

B152157 People (Not for Publication)
v.
Heredia

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B153493 Bradley Waisbren (Not for Publication)
v.
S.C.L.A.
Jon Douglas Company et al.

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court, as soon as practicable, to set and conduct a jury trial in Los Angeles Superior Court case No. EC018109, entitled Bradley Waisbren v. Jon Douglas Company et al. The temporary stay order is hereby terminated. all parties shall bear their own costs.

Spencer, P.J., Ortega, J., Mallano, J.

DIVISION TWO

B144957 People (Not for Publication)
v.
McClellan

The order under review is affirmed.

Nott, Acting P.J.

We concur: Todd, J.
 Cooper, J. (Assigned)

December 18, 2001-Continued

DIVISION TWO (Continued)

[illegible]

The order continuing wardship is affirmed.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

B146522 Jose Peregrina (Not for Publication)
v.
Waste Management, Collection & Recycling, Inc.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B138813 Daniel H. Arney (Not for Publication)
v.
Glendale Federal Bank, FSB

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B144336 Vance A. Boos (Not for Publication)
v.
Scott W. Magill, as Personal Representative, etc.

The judgment is affirmed. Each party to bear their own costs.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B141903 Mia Tabares (Not for Publication)
v.
The Daily News et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B148812 Jackson Samuel Sugarman (Not for Publication)
v.
Helene Rosdhal et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (Continued)

B149136 Los Angeles County Department of (Not for Publication)
B150456 Children and Family Services
 v.
 Bryan D.

The juvenile court's order terminating mother and father's parental rights is affirmed. The juvenile court's order denying mother's section 388 petition is affirmed. Lastly, the court did not err by failing to order the DCFS to allow father visitation while he was incarcerated.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B145477 Helena Sarkis (Not for Publication)
 v.
 Commerce Casino

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

December 18, 2001-Continued

DIVISION FOUR (Continued)

B149055 People (Not for Publication)
v.
Collins

For the foregoing reasons, the matter is remanded for the limited purpose of resentencing.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B147670 People (Not for Publication)
v.
Mba

For the foregoing reasons, the trial court's finding that appellant's conviction in case No. YA039504 constitutes a serious or violent felony within the meaning of the Three Strikes law is reversed, and the cause is remanded to the trial court for a retrial of that issue, and for resentencing.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B148637 People (Not for Publication)
v.
Felipe J. Elizalde

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B144231 Sandra L. Carter (Not for Publication)
v.
Braille Institute of America, Inc.

The clerk of this court is hereby directed to transfer division of the superior court. The appellate division of the superior court shall determine the award of costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Mosk, J.

B147122 Michael Zinzun (Not for Publication)
v.
Great Western Bank

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B148532 People (Not for Publication)
v.
Timothy F.

The order is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION FIVE (Continued)

B148372 People (Not for Publication)
v.
Cecil Osborne Fleming

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B153788 Mark Lueker (Not for Publication)
v.
Superior Court, Los Angeles County
(Ernesto Bues, et al., r.p.i.)

The petition for extraordinary relief is granted. The respondent court is directed to vacate its order of September 14, 2001, denying petitioner's motion for leave to intervene, and enter a new and different order granting the motion. The stay of proceedings issued in the alternative writ of mandate, filed October 25, 2001, is dissolved. This opinion shall become final immediately upon filing. (Cal. Rules of Court, rule 24(d). Each party to bear its own costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

December 18, 2001-Continued

DIVISION FIVE (Continued)

B148737 People (Not for Publication)
v.
Arthur Charles Moses

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION SIX

B150130 Chappelle (Not for Publication)
v.
Robinsons-May, Inc.

The judgment (order granting nonsuit) is affirmed. Defendants are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B151644 People
v.
Jessica Colleen J.

Filed notice of intent to dismiss appeal.

B143955 Rice
v.
Reiland

Filed order denying petition for rehearing.

DIVISION SIX (Continued)

B145835 Betancourt et al. (Certified for Publication)
 v.
 Storke Housing Investors et al.

The judgment is reversed. The trial court is directed to overrule the demurrer. Costs to appellants.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B148294 Iarikov (Not for Publication)
 v.
 Iarikova

The order of January 4, 2001, is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B148986 People (Not for Publication)
 v.
 Carr

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B142315 Trancas Property Owners Association (Not for Publication)
v.
California Coastal Commission et al.

The trial court's judgment is reversed. Costs are awarded to TPOA.

Gilbert, P.J.

I concur: Coffee, J.
I dissent: Yegan, J. (Opinion)

B150999 People (Not for Publication)
v.
Ruben M.

The disposition order is modified to strike the provision for a one-year minimum confinement period. The trial court is further directed to calendar the matter for a six-month status review hearing in accordance with California Rules of Court rule 1496, subdivision (a). The disposition order is, in all other respects, affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.